IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 27002 of 2003

Between:

G.Dhanabagyam, W/o Late G.Subramanyam,
R/o D.No.4-113, Tiruchanoor, Chittoor District.

..... PETITIONER

AND

1 The Executive Officer, TTD Devasthanam, Administration Office,
K.T.Road, Thirupathi, Chittoor District.
2 The Chief Accounts Officer, TTD Devasthanam, Administration Office,
K.T.Road, Thirupathi, Chittoor District.
3 The Head Master, S.V.Higher Secondary School,
Vellore, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction or order more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not granting the provident fund, gratuity and pension to the petitioner as directed by this Court in W.P.No.17598/1988, dated 7-2-1995 is illegal, arbitrary and in violation of the High Court orders dated 7-2-1995, and consequently direct the 1st respondent to produce entire service records of late G.Subramanyam, who is the husband of the petitioner, along with pay particulars before this Court.

Counsel for the Petitioner: MR.GOTATIRAM BABU

Counsel for the Respondents: MR.P.SURESH REDDY

The Court made the following :

ORAL ORDER:

The petitioner, who is the wife of late G.Subrahmanyam, filed this writ petition to direct the respondents to pay provident fund, gratuity and pension to her as directed by this Court in W.P.No.17598 of 1988, dated 7.2.1995.

The husband of the petitioner, late G.Subrahmanyam along with three others filed W.P.No.17598 of 1988 on the file of this Court challenging the order of the dismissal vide proceedings in R.O.C.No.E5-4189/1974, dated 27.9.1974 and the said writ petition was disposed of on 7.2.1995. While dismissing the writ petition, this Court held that even though the misconduct of the petitioner's husband was proved, the punishment of dismissal from service is quite disproportionate to the charges levelled and as such, the punishment of dismissal is converted to that of compulsory retirement and accordingly, granted relief directing the respondents to pay gratuity and provident fund and the Executive Officer, T.T.D. is directed to compute the gratuity and provident fund payable to late G.Subrahmanyam. It is stated that pending W.P.No.17598 of 1988 G.Subrahmanyam died on 23.12.1992 and therefore, his wife filed this writ petition for implementation of the said order.

In the counter filed by the respondents, it is stated that pursuant to the order of this Court, the petitioner was paid gratuity amount of Rs.1,400/- on 17.8.1996 vide cheque No.776369, dated 13.8.1996 and also the petitioner was informed that her husband was removed from service on 27.9.1974 and he was not a subscriber of provident fund and therefore, the petitioner is not entitled to provident fund. Insofar as the pension is concerned, the husband of the petitioner did not work for a minimum period of 10 years and therefore, he is not entitled to the pension.

As per the orders of this Court, the termination of the petitioner was converted into compulsory retirement. Even that be so, the petitioner was made to compulsorily retire with effect from 27.9.1974 as per the orders of this Court; and the claim of provident fund came into force in 1984 onwards only; and the husband of the petitioner is not a subscriber of provident fund; and therefore, the petitioner is not entitled to provident fund. The petitioner is not even entitled to pension as her husband was compulsorily retired with effect from 27.9.1974 and he had put in only 7 years 10 months and three days of service. I do not see any merit in this writ petition.

For the foregoing reasons, the writ petition is dismissed. No costs.

_____

(V.ESWARAIAH,J.)

20th August, 2004

bcj/Ars

To

1 The Executive Officer, TTD Devasthanam, Administration Office, K.T.Road, Thirupathi, Chittoor District.
2 The Chief Accounts Officer, TTD Devasthanam, Administration Office, K.T.Road, Thirupathi, Chittoor District.
3 Two C.D. copies.